

## **Decision of the European Ombudsman in the case 103/2020/JN on the Innovation and Networks Executive Agency's decision to reject costs in the context of an EU-funded project aiming at developing the EU Air Traffic Management system**

Decision

**Case** 103/2020/JN - **Opened on** 29/04/2020 - **Decision on** 29/04/2020 - **Institution concerned** European Climate, Infrastructure and Environment Executive Agency |

Dear Mr X,

On 14 January 2020, you submitted a complaint to the European Ombudsman against the Innovation and Networks Executive Agency (INEA) concerning the above issue. On 28 February 2020, you sent additional material in support of your complaint.

After a careful analysis of all the information you provided with your complaint, we have decided to close the inquiry with the following conclusion:

**The evidence provided with the complaint is not sufficient for us to conclude that there was any maladministration by the Innovation and Networks Executive Agency.**

In its final assessment of 8 November 2019, INEA said that it could not accept the costs in question because it was impossible to reconcile the invoice provided with the specific goods and services delivered especially regarding the time when these costs had been incurred. INEA considered that you had not provided, in particular, a precise schedule of the tasks and the relevant planned costs. Thus, it could not identify the costs incurred before and after the start of the action.

We have carefully reviewed the extensive material provided in support of your complaint but were unable to identify any information showing clearly which tasks were performed at which point in time. In this regard, we note that you state in your complaint that “ *the precise date of the execution of each part of the services is not evidenced* ”. Therefore, INEA's assessment seems justified and we see no sufficient basis to ask it to reconsider its position.

In all EU funded projects, the recipients of EU funds are required to demonstrate that their costs meet the eligibility requirements set out in the relevant funding agreements. Therefore, if it is the



case that at least some of the work was performed during the eligibility period, you would need to provide any relevant evidence to INEA to allow it to review the file.

I appreciate that you are likely to be disappointed with this outcome but hope that these explanations are helpful.

Thank you for having contacted the European Ombudsman.

Yours sincerely,

Marta Hirsch-Ziembińska Head of Inquiries and ICT - Unit 1

Strasbourg, 29/04/2020